

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-334-T - ORDER NO. 2010-647
SEPTEMBER 29, 2010

IN RE: Application Hillcrest Taxi, LLC,1391)	ORDER GRANTING
Ridgewood Drive, Orangeburg, SC 29118)	REINSTATEMENT OF
(District 6) for a Class C (Taxi) Certificate of)	CERTIFICATE SUBJECT
Public Convenience and Necessity for)	TO CONDITIONS
Operation of Motor Vehicle Carrier)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of a request filed by Hillcrest Taxi, LLC (“Applicant” or “Hillcrest”) to reinstate Class C (Taxi) Certificate No. 7623. Certificate No. 7623 was originally issued to Hillcrest pursuant to Commission Order No. 2005-622, dated October 31, 2005, which granted the Applicant authority to render motor passenger service.

On February 1, 2007, the South Carolina Office of Regulatory Staff (ORS) filed a Motion for Immediate Suspension of Certificate of Public Convenience and Necessity of Hillcrest requesting that the Commission suspend the Certificate of Hillcrest, pursuant to 26 S.C. Code Ann. Regs. 103-175 (Supp. 2009), for failure to maintain and file evidence of insurance as required by S.C. Code Ann. § 58-23-910 (Supp. 2009) and 26 S.C. Code Ann. Regs. 103-175 (Supp. 2009). The Commission granted ORS’ motion and suspended the Applicant’s Certificate of authority to operate as a motor vehicle carrier (Certificate No. 7623) by Order No. 2007-122, dated February 22, 2007. On March 7, 2007, ORS filed a Motion to Rescind Order No. 2007-122, since ORS had received a Form E, or evidence of liability insurance, on February 12, 2007. On March 20, 2007,

this Commission issued Order No. 2007-189, which rescinded Order No. 2007-122 and reinstated Certificate No. 7623.

On March 4, 2009, a Petition for Rule to Show Cause was filed by ORS as to why certain carriers, Hillcrest among them, should not have their Certificates revoked for failure to maintain and file evidence of insurance. After due hearing, Certificate No. 7623 was again cancelled by Order No. 2009-313, dated May 14, 2009. Hillcrest requested reinstatement on June 11, 2009, which was granted by Order No. 2009-451, subject to compliance with all Commission Rules and Regulations. On December 8, 2009, the Commission issued Order No. 2009-859, rescinding Order No. 2009-451, for failure of Hillcrest to file Form E.

On July 16, 2010, Hillcrest filed a letter with the Commission, seeking to reinstate its Certificate. ORS filed a letter on July 28, 2010, asking that reinstatement of the Certificate be denied, based on the fact that Hillcrest had been habitually out of compliance with Commission rules and regulations. On August 4, 2010, this Commission issued Order No. 2010-523, which allowed Hillcrest ten (10) days from the date of the directive to respond to the ORS's objection to reinstatement. Hillcrest filed a response on August 13, 2010, stating that it would endeavor to "meet the required standards of ORS and Public Service Commission" if its Certificate was reinstated. ORS reported that, subsequent to revocation of its Certificate, Hillcrest continued to operate its business. On August 25, 2010, this Commission issued Order No. 2010-573, directing the Commission Staff to schedule a hearing on this matter. A hearing was subsequently scheduled for October 27, 2010 at 10:30 AM in the offices of the Commission.

On September 15, 2010, ORS filed a letter with this Commission in which it reported that it had reached an Agreement/Stipulation with Hillcrest, and was therefore withdrawing its objection to the reinstatement of Hillcrest's Certificate of Public Convenience and Necessity. The withdrawal of the ORS objection was based on a Stipulation entered with Hillcrest whereby the Company has agreed as follows:

- 1) To maintain a Form E on file with ORS establishing Hillcrest's compliance with the insurance requirements of the Commission;
- 2) To register and pay to ORS all decal fees owed by Hillcrest for the period July 1, 2010 through December 31, 2010 for all vehicles to be operated by Hillcrest during this period;
- 3) To file with ORS a properly completed 2009 Annual Report;
- 4) To pay the fine and any associated fees or costs related to the currently outstanding ticket issued by ORS in 2009 for one of Hillcrest's vehicles being operated without payment for or display of an ORS decal;
- 5) To voluntarily submit to an ORS inspection of driver qualifications and vehicles at a time and place of ORS's choosing; and
- 6) To not seek any further or future reinstatement of its Class C (Taxi) certificate of public convenience and necessity in the event of any future revocation of its certificate by the Commission.

According to the September 15, 2010 letter, Items (1) through (4) have been completed and item (5) is to be scheduled. ORS states that, on the basis of Hillcrest's agreement to comply with the above-stated terms and conditions, its concerns with the

reinstatement of Hillcrest's Class C (Taxi) Certificate have been addressed to its satisfaction.

We have examined this matter, and conclude that the request of Hillcrest Taxi, LLC for reinstatement of Class C (Taxi) Certificate No. 7623 should be and is hereby granted, subject to compliance with all Commission rules and regulations, and subject to the conditions outlined above in the Stipulation between the Company and ORS, as outlined in the ORS letter of September 15, 2010. The Stipulation as outlined is approved by this Commission.

IT IS THEREFORE ORDERED:

1. That Class C (Taxi) Certificate No. 7623 in the name of Hillcrest Taxi, LLC be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations, and subject to the terms of the Stipulation as outlined above between Hillcrest and ORS, and as stated in the September 15, 2010 letter from ORS. This Stipulation is approved.

2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations, and the terms of the above-noted Stipulation.

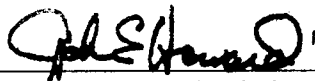
3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing with the Office of Regulatory Staff proof of appropriate insurance, and the terms of the Stipulation, the motor carrier services authorized by the Certificate shall not be provided.

4. That failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Office of Regulatory Staff proof of appropriate insurance, and such other information required by law and/or failure to complete the terms of the Stipulation; or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, may result in the authorization approved in this Order being revoked.

5. That the hearing scheduled for October 27, 2010 is cancelled.


6. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman

(SEAL)